(1)S.B.CIVIL WRIT PETITION NO.454/2002
(M/s Bapu Marbles Pvt. Ltd. v. Ajmer Vidyut Vitran Nigam Ltd., Ajmer & Ors.)

(2)S.B.CIVIL WRIT PETITION NO.6768/2003
(M/s Bapu Marbles Pvt. Ltd. v. Ajmer Vidyut Vitran Nigam Ltd., Ajmer & Ors.)

Date of Order :: 20th July, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. J.L.Purohit, for the petitioner.
Mr. Ravi Bhansali, for the respondents.

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After making an inspection on basis of Load Survey Report, it was observed that the consumer (petitioner) abstracted electrical energy without allowing the meter to record it by using external means, accordingly, a provisional assessment of abstracted electrical energy was made and that was subsequently finalised on 13.12.2001. The petitioner challenged validity of the provisional as well as final order of assessment by way of filing SBCWP No.454/2002. The petitioner also preferred an appeal before the Chairman, Ajmer Vidyut Vitran Nigam Limited that came to be rejected by order dated 28.10.2003. The petitioner also assailed validity of the order of the appellate authority by way of filing Writ Petition No.6768/2003.

The contention of counsel for the petitioner is that the order passed by the appellate authority is absolutely non-speaking and unreasoned order. The

appellate authority without dealing with the contentions raised in memo of appeal in quite mechanical manner disposed of the appeal preferred by the petitioner. It is asserted by counsel for the petitioner that by similar kind of orders number of appeals relating to other consumers were also decided by the appellate authority.

Counsel for the respondents after perusing the order passed by the appellate authority find himself unable to controvert the contention raised on behalf of the petitioner.

The perusal of the order impugned i.e. passed by the appellate authority, I am also convinced that the same is passed without adequate application of mind. The petitioner raised various objections with regard to assessment made and also relating to holding the petitioner guilty for abstraction of the electricity unauthorisedly. The appellate authority should have dealt with all the relevant contentions raised by the petitioner while examining correctness of the order passed by the assessing authority. I found the order passed by the appellate authority is illegal being a non-speaking and unreasoned one.

Accordingly, these petitions for writ are disposed of by setting aside the order passed by the appellate authority with a direction to decide the

appeal preferred by the petitioner afresh on or before 3rd December, 2007.

No order to costs.

(GOVIND MATHUR),J.

Kkm/ps.